



**FILED**  
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**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA**

Application of Pacific Gas and Electric Company for Approval of Modifications to its SmartMeter™ Program and Increased Revenue Requirements to Recover the Costs of the Modifications. (U39M).

Application 11-03-014  
(Filed March 24, 2011)

And Related Matters.

Application 11-03-015  
Application 11-07-020

**MOTION OF EMF SAFETY NETWORK TO REQUEST JUDICIAL NOTICE  
AND REQUIRE PG&E TO DEFER SMART METER DEPLOYMENT  
IN THE CITY OF SEBASTOPOL**

Pursuant to Rule 11.1 of the Commission’s Rules of Practice and Procedure, the EMF Safety Network (Network) submits this “MOTION OF EMF SAFETY NETWORK TO REQUEST JUDICIAL NOTICE AND REQUIRE PG&E TO DEFER SMART METER DEPLOYMENT IN THE CITY OF SEBASTOPOL”.

On July 11, 2012, Network received information from a Sebastopol city official that a PG&E representative named “Kelly” called the City of Sebastopol and indicated that installations of Smart Meters would commence within a couple weeks and the representative wanted to speak individually with each council member. The City Clerk requested written materials, but the representative declined to put anything in writing.<sup>1</sup> In response to this, as mentioned in Network’s Reply Brief, the city of Sebastopol adopted a resolution on July 19<sup>2</sup> which was a request to, “*Delay all Smart Meter installations and deployment in the city of Sebastopol until the CPUC has formally concluded phase 2 Smart Meter opt-out proceedings.*”

PG&E’s response to the city’s request on July 24, 2012, reveals its disregard of a com-

<sup>1</sup> Exhibit “A”; Declaration of Sebastopol City Clerk Mary Gourley

<sup>2</sup> Attached separately: Resolution-5885-Requesting-Delay-of-Installation-and-Deployment-of-Smart-Meters-July-2012

munity opt-out possibility. PG&E's letter<sup>3</sup> to Sebastopol states, "*we believe such a blanket delay would disadvantage most of our customers in Sebastopol and cannot agree to your proposal.*"

Sebastopol is relatively free of Smart Meters and could be a candidate for the community opt-out program. The right of a community to opt-out is under investigation in the proceeding.

EMF Safety Network asks the Administrative Law Judge Yip-Kikugawa and Commissioner Michael Peevey to take judicial notice of the Declaration of Sebastopol City Clerk and City resolution, and order PG&E to comply with the City of Sebastopol's request to delay installation.

Dated: August 10, 2012 at Sebastopol California.

Respectfully submitted,

Of Counsel:

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/s/

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<sup>3</sup> Available at [http://emfsafetynetwork.org/wp-content/uploads/2012/07/Sebastopol\\_final\\_V072412.pdf](http://emfsafetynetwork.org/wp-content/uploads/2012/07/Sebastopol_final_V072412.pdf)

EXHIBIT "A"

Declaration of Sebastopol City Clerk Mary Gourley

I, Mary Gourley, have personal knowledge of all facts set forth in this declaration and am competent to testify thereto if called upon to testify in a court of law. I hereby declare:

1. My name is Mary Gourley and I am the Sebastopol City Clerk.
2. A PG&E representative named "Kelly" contacted the City of Sebastopol by phone on July 10, 2012 who indicated that installation of "Smart Meters" would commence in Sebastopol within the next couple of weeks.
3. "Kelly" stated that she wanted to speak individually with each Council member and the City Manager. I recommended that she provide written materials, or an email, but she declined to put anything in writing and stated she would call the City Manager to inform him of the roll out.

I declare under penalty of perjury under the laws of the State of California that the facts set forth above are true and correct to the best of my knowledge. This declaration was executed this 2nd day of August, 2012 at Sebastopol, California.

S/

Mary Gourley

City of Sebastopol

City Clerk